

**Arkansas State Board of Chiropractic Examiners
Orientation/Board Meeting Minutes
January 22, 2015**

CALL TO ORDER

The meeting was called to order by Julie Traylor-Logan, D.C., President, at 10:05 a.m.

ROLL CALL

Board Members present:

Thomas R. Butler, D.C.
Thomas D. Taylor, D.C., FICA
Kent Moore, D.C.
Julie Traylor-Logan, D.C.
Dustin Heard, D.C.
Weldon Roberts

Board Members absent:

Jack McCoy

Staff Members present:

Laurie Mayhan, Executive Director

Guests Present:

Chris Cathey, D.C.
Terrance Carolan, D.C.
Gaylon Carter, D.C.
Don E. Fowler
Ellen Withers, State Farm
Shannon Boyd, Geico
Brad Chambers, D.C.

ORIENTATION OF NEW LICENSEES

Congratulations to the Doctors who attended orientation and received their licenses this day:

1.	1699	Tony	J	Barger
2.	16032	Porter		Jackson, III
3.	16043	Walter	C	Olsen
4.	16045	Angelia	K	Thompson
5.	16069	Donald	R	Selvidge
6.	16072	Brock	A	Johnson
7.	16076	Roger	A	Pike
8.	16084	William	J	Smith
9.	16087	Bobby	R	Pritchett
10.	16088	James	W	Smith

Dr. Ross attended orientation this day and has met all requirements as an applicant except for her upcoming graduation from Chiropractic College. She will not receive her license until February 20, 2015, which is her graduation date.

11.	16083	Kassie	N	Ross
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MINUTES

The December 11, 2014, minutes were presented to the Board. Dr. Thomas Taylor made a motion to accept the minutes with an amendment to the Investigative report. He wanted to correct the section that stated “close all complaints that were recommended to be closed” to say “accept recommendation of investigating officer.” Dr. Kent Moore seconded the motion with the amendment. The motion passed.

DIRECTOR’S REPORTS

Budget Report

The December 2014 monthly expenditure summary by appropriation report and monthly revenue summary report by fund were presented to the Board. As of 01/07/2015, the total expense is \$70,856.14 with \$90,780.86 remaining.

Continuing Education Report

<u>2015 Courses (calendar year)</u>			
CE Status	Count	Amount Due	Amount Paid
Approved	2	\$120.00	\$120.00
Not approved	0	0	0
Pending	7	\$465.00	\$465.00
Cancelled	0	0	0
Incomplete	0	0	0
Void	0	0	0
Subtotal:	9	\$585.00	\$585.00

2015 License Renewal Report

604 renewals were mailed August 28, 2014.

580 completed license renewals received and processed

- 23 license renewals remaining
- 4 out of 23 are requesting CE extensions/late fee waivers

4 Retirees in 2014

3 licensees passed away in 2014

Freedom of Information Act (FOIA) Requests

The FOIA report was presented to the Board. There were eleven (11) requests received thus far in fiscal year 2015 (July 1, 2014 – January 22, 2014).

Motion to approve Director's reports was made by Dr. Kent Moore and seconded by Dr. Thomas Butler. Motion passed.

OLD BUSINESS

The Joint

This item was tabled a second time at the December 11 meeting. The Board, at that time, wanted to seek the counsel of their Attorney. The Board's temporary Attorney during this period could not attend the January meeting and notified the Board via email what he suggested regarding The Joint. He quoted A.C.A. §4-29-208 which states, "All of the officers, directors, and shareholders of a corporation subject to this subchapter shall be, at all times, persons licensed pursuant to the laws of this state governing their profession. **No person who is not so licensed shall have any part in the ownership, management, or control of the corporation**, nor may any proxy to vote any shares of the corporation be given to a person who is not so licensed." With that, Dr. Thomas Taylor made a motion to send a letter to The Joint citing what the AG stated in his email to the Board. Discussion followed to clarify that the AG's email to the Board would not be sent. Dr. Thomas Taylor then rescinded his previous motion and made a new motion to send a letter to The Joint, certified with return receipt, citing A.C.A. 4-29-208 and that they provide copies of the management agreement, copies of contracts and franchise agreements, a copy of Mr. Martinez's court findings between those states which he referenced in his letter to the Board showing that the Joint franchise is contingent and consistent with the other state Chiropractic Board's laws, and whether or not the Joint Franchise has opened or operated to this day in the State of Arkansas. Dr. Thomas Butler seconded the motion. Discussion followed and Dr. Taylor amended his last motion to add that the certified letter be approved by the Board's attorney. Motion with amendment still seconded by Dr. Butler and the motion passed unanimously.

Call for Delegates

A letter was presented to the Board as a reminder that the National Board of Chiropractic Examiners' Annual Business Meeting of State Delegates will be held on Friday, May 8, 2015 at the *JW Marriott New Orleans*. The Board's delegate nominations will need to be turned in by March 9. The Board nominated Dr. Kent Moore as the Voting delegate and Dr. Dustin Heard or Dr. Thomas Butler as the alternate depending on which one could go. The Board also stated that Ms. Mayhan should also attend as this conference would be very beneficial for her as the Executive Director. Motion to approve the nominations was made by Dr. Thomas Taylor with a second by Dr. Dustin Heard. Motion passed.

NEW BUSINESS

Late Renewal Requests

Dr. Jason Blacketter requested an extension to take approved CE hours since his were not preapproved prior to Renewing and that the Board waives the late fee. Dr. Thomas Butler made a motion to deny the waiver of the late fee and grant the extension for the hours with a deadline of April 30. Motion seconded by Dr. Moore. Motion passed.

Dr. David Morse requested an extension on getting his CE hours since 12 of his 24 were not preapproved prior to renewing. All fees have been submitted. Dr. Dustin Heard made a motion for him to get an additional 12 onsite hours prior to April 30 and the late fee is not waived. Seconded by Dr. Moore and the motion passed.

Dr. James H. Taylor submitted his renewal late due to an unforeseen circumstance and requested his late fee be waived. Dr. Thomas Taylor made a motion to deny the request and that the board sends their sentiments to the family for the loss. Dr. Butler seconded the motion. Motion passed.

Dr. Amanda Warren submitted her renewal on time but did not have the proper proof of CE for 12 of her hours. Her request is that her late fee be waived since her proof of CE never made it to her in time to submit it before 12/31/14. Dr. Thomas Taylor made a motion to deny the request to waive the late fee. Motion seconded by Dr. Butler and motion passed.

Dr. Clay Berger submitted his renewal on time with 72 hours of CE. The hours he submitted with his renewal were from an acupuncture certification course that he submitted earlier in 2014 to get his acupuncture license. To his understanding from a letter that had been sent to him with his acupuncture license he thought his 100 acupuncture hours were approved CE. Only 20 of the 72 hours he submitted with his renewal were approved by the Board, therefore, he still needed 4 approved hours to renew. He has already submitted the 4 approved hours so he request that the 4 hours he took in 2015 to go towards the hours for 2014. Dr. Thomas Taylor made a motion to approve the 4 hours he took in 2015 to go towards the hours in 2014 and deny the waiver of the late fee. No second, motion failed. Dr. Kent Moore made a motion to accept the 4 hours for 2014 and waive the late fee because the Boards letter to him was confusing and it was partial the Boards fault. Seconded by Dr. Butler and motion passed.

Dr. Charles Cunico submitted his renewal but none of his CE was preapproved by the Board. He requests that the approved hours he takes in 2015 be counted for the approved hours he should have taken in 2014. Dr. Thomas Taylor made a motion that the Board allows Dr. Cunico to get the 24 hours to go towards 2014 by April 30 with the late fee, and that he will also have to get an additional 24 for 2015. Motion seconded by Dr. Kent Moore. Motion passed.

Brian Verville, PT, DPT Advertisement

An email was forwarded to the Board regarding a seminar titled Treating Shoulder Dysfunction by Brian Verville, PT, DPT. The person who sent the email was concerned that a PT is teaching manipulations. A motion was made by Dr. Thomas Taylor to forward this email complaint to the Physical Therapy board to see what they determine about the terms used in the advertisement and if Mr. Verville is in fact teaching manipulation and/or manipulation techniques. Motion seconded by Dr. Kent Moore. Motion passed.

NBCE Part IV Meetings and Exams

A letter was presented to the Board from NBCE with upcoming dates to recommend a Board member to participate in Part IV test committee and/or be an examiner for one of the Part IV testing dates. This item was tabled for the April meeting.

Building Lease

An email from ABA about our building lease was presented to the Board for confirmation to renew the office lease. Motion to approve the renewal was made by Mr. Roberts and seconded by Dr. Heard. Motion passed.

Statement of Financial Interests

Informational: A reminder was presented to the Board to complete their annual SFI's.

Clinic Ownership

The director presented the board with a question regarding whether or not you can hold an Active-out of state license to own or open a clinic in Arkansas. Some of the Members interpretation was that a Chiropractor had to have an Active license and not an Active-out of state license to open and/or own a clinic in Arkansas. A motion was made by Dr. Thomas Taylor to table this item and get help from the Boards attorney. Motion seconded by Dr. Heard. Motion passed.

Temporary License Credentials Review

Kayhla Williams submitted a supervised temporary license application to be reviewed since she was not credentialed in December 2014. According to the Chiropractic Rules, Regulation and Statutes her temporary license application was not submitted 30 days before the next exam, which was given today, so her temporary license would have to be resubmitted after today to be considered. Her credentials License application was submitted on time for the December review except that her National Boards hadn't arrived. The Director thought her application could not go to Credentials Review with items missing. Dr. Julie Traylor-Logan, President of the Board, stated that in the future if someone was missing an item that was out of their control their credentials could go to Credentials Review and if passed their license would be pending for those items. A motion was made by Dr. Thomas Taylor that since Dr. Williams should have gone to Credentials Review in December pending her Board Scores and that she attended the Orientation and Board meeting this day that she should be granted a Full license and not the temporary license she is requesting. The motion was seconded by Mr. Roberts. Motion passed.

Gregory Schrader submitted an unsupervised temporary license application to be reviewed, but since it falls within 30 days of the next examination date, which was today, he would need to reapply. A directive was made to notify him of this rule and to reapply.

INVESTIGATION REPORT

	Pending	Recommendations	Complaint Number	Complaint Description
1	Yes	Further Investigation	516-1-21-14	Solicitation
2	Yes	Remain Open	547-6-20-14	Unregistered Procurer
3	Yes	Further Investigation	552-7-2-14	Solicitation; Unregistered procurer; Unregistered procurer using alias (name also isn't registered)
4	Yes	Further Investigation	569-11-25-14	Unprofessional Conduct/Solicitation
5	Yes	Further Investigation	512-1-8-14	Solicitation
6	Yes	Further Investigation	513-1-8-14	Solicitation
7	Yes	Further Investigation	517-1-20-14	Solicitation
8	Yes	Duplicate Record	518-1-21-14	Solicitation dup rec to 517-1-20-14
9	Yes	Duplicate Record	519-1-13-14	Solicitation- dup rec to 513-1-8-14
10	Yes	Duplicate Record	520-1-13-14	Solicitation- dup rec to 512-1-8-14
11	Yes	Further Investigation	539-2-27-14	Solicitation

12	Yes	Recommended to be Closed- not enough evidence to investigate further	495-11-22-13	Unregistered Procurer
13	Yes	Remain Open	524-2-11-14	Unregistered Procurers
14	Yes	Further Investigation	567-11-19-14	Solicitation by unregistered procurer
15	Yes	Pending	573-12-5-14	Solicitation
16	Yes	Recommended to Close with No violation	570-12-1-14	Unprofessional conduct
17	Yes	Pending	575-12-29-14	Unprofessional Conduct
18	Yes	Pending	576-1-5-15	Unprofessional conduct
19	Yes	Recommended to Close, not enough adequate information to investigate further	526-2-18-14	Solicitation
20	Yes	Further Investigation	527-2-19-14	Solicitation
21	Yes	Further Investigation	528-2-20-14	Solicitation; Unregistered Procurer
22	Yes	Recommended to close since further information has not been received	541-5-20-14	Solicitation
23	Yes	Further Investigation	549-6-23-14	Solicitation
24	Yes	Further Investigation	562-9-11-14	solicitation/ unregistered procurer
25	Yes	Further Investigation	515-1-16-14	Unprofessional Conduct: Not Supervising on Premise
26	Yes	Further Investigation	525-2-18-14	Unprofessional Conduct
27	Yes	Further Investigation	531-3-3-14	Unprofessional Conduct
28	Yes	Further Investigation	478-7-23-13	Solicitation
29	Yes	Further Investigation	491-10-9-13	Solicitation; Unprofessional Conduct
30	Yes	Remain Open	394-7-29-10	Practicing Chiropractic without a License; Non-Licensee
31	Yes	Remain Open	401-9-20-10	Practicing Chiropractic without a License; Non-Licensee
32	Yes	Pending	574-12-9-14	Solicitation
33	Yes	Remain Open	468-2-9-13	Solicitation
34	Yes	Further Investigation	487-9-22-13	Solicitation
35	Yes	Further Investigation	543-6-5-14	Solicitation; Unregistered Procurer
36	Yes	Further Investigation	566-10-21-14	Billing
37	Yes	Further Investigation	551-7-2-14	Advertisement
38	Yes	Remain Open	388-6-8-10	Practicing Chiropractic without a License; Non-Licensee
39	Yes	Remain Open	402-9-20-10	Practicing Chiropractic without a License; Non-Licensee

40	Yes	Further Investigation	509-12-18-13	Solicitation
41	Yes	Duplicate Record	510-12-27-13	Solicitation - dup rec of 509-12-18-13
42	Yes	Further Investigation	532-3-7-14	Solicitation
43	Yes	Further Investigation	540-5-21-14	Solicitation
44	Yes	Further Investigation	544-6-5-14	Solicitation
45	Yes	Pending	572-12-3-14	Solicitation
46	Yes	Further Investigation	565-10-15-14	Unprofessional Conduct
47	Yes	Further Investigation	555-7-1-14	Solicitation; False Statements by Registered Procurer

Dr. Thomas Taylor made a motion that the Board accepts the recommendation report from the Investigating Committee. Dr. Kent Moore seconded the motion. Motion passed.

Adjourn

Dr. Thomas Taylor moved to adjourn. Dr. Kent Moore seconded the motion. The motion passed unanimously. The Board adjourned at 12:40 p.m.

Board minutes approved: April 9, 2015.